

Appl. No. 09/617,232
Amdt. dated March 9, 2004
Reply to Office action of December 23, 2003

Remarks:

Claims 1-13 and 15-18 are pending in this application.

Claim 14 was withdrawn in response to an earlier restriction requirement.

Claim 19 is withdrawn by way of this amendment.

The Applicant thanks the Examiner for the interview of March 2, 2004, during which the Examiner's interpretation of steps 74, 88 and 104 along with lines 28-31 of column 8 of the cited reference was discussed.

Claims 4 and 6 have been rewritten in independent form including all of the limitations of the base claim and the intervening claims. The Examiner has indicated that claims 4 and 6, so rewritten, would be allowable. Since claim 5 depends from claim 4 and claims 7-10 depend from claim 6, claims 5 and 7-10 should be considered to be in allowable form by the Examiner.

The Examiner has rejected claims 1-13 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,442,138 to Yin et al. (hereinafter "Yin").

Claim 1, as amended, requires "transmitting a capacity increase request to said nodes along said current path, said capacity increase request indicating a requested increase of said reserved capacity". It is submitted that, instead of attempting to increase reserved capacity along a path, Yin only discloses locally changing a measure of subscribed bandwidth associated with a given service class (steps 82, 96, 114, col. 8: lines 39-41).

Although Yin discloses dynamically modifying bandwidth allocations based on traffic measurements (see steps 138, 140, FIG. 8), it is submitted that the bandwidth allocations modified are merely local, rather than involving "transmitting a capacity increase request to said nodes along said current path", as required by claim 1. Since Yin does not disclose such transmitting, it is submitted that Yin does not disclose all of the elements of claim 1 and, therefore, does not anticipate claim 1. Withdrawal of the rejection of claim 1, and claims 2, 3, 11, 12 and 13 that are dependent thereon, is therefore requested.

Claim 15 recites an apparatus including means for carrying out the steps of the

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method of claim 1 and, as such, may not be anticipated by Yin, given the lack of disclosure in Yin of all of the elements of the method of claim 1, as detailed hereinbefore. Withdrawal of the rejection of claim 15 is therefore requested.

Claim 16 recites a computer readable medium adapting a node to be operable to carry out the steps of the method of claim 1 and, as such, may not be anticipated by Yin, given the lack of disclosure in Yin of all of the elements of the method of claim 1, as detailed hereinbefore. Withdrawal of the rejection of claim 16 is therefore requested.

Claim 17 recites a processor operable to carry out the steps of the method of claim 1 and, as such, may not be anticipated by Yin, given the lack of disclosure in Yin of all of the elements of the method of claim 1, as detailed hereinbefore. Withdrawal of the rejection of claim 17 is therefore requested.

Claim 18 recites a system for automated adjustment of a reserved capacity for a tunnel. A capacity manager is operable to carry out most of the steps of the method of claim 1 and a tunnel signaler is operable to carry out the remaining step of the method of claim 1, namely the transmission of a capacity increase request to nodes along the current path. It is submitted that Yin does not disclose a tunnel signaler or any other component adapted to perform the signaling required of a system according to claim 18. As such, claim 18 may not be anticipated by Yin and withdrawal of the rejection of claim 18 is therefore requested.

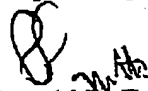
New claim 20 has been added to claim the addition of a path selector to the system of claim 18, where the path selector is operable to carry out method steps associated with claim 4.

No new matter has been added by way of these amendments.

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Applicant respectfully requests that a timely Notice of Allowance be issued in
the case.

Respectfully submitted,


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